

SEKI, NISHIMURA & WATASE, PLC
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Attorney for Defendant DEVON CHRISTOPHER WENGER

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVON CHRISTOPHER WENGER,

Defendant.

Case No.: 4:23-CR-00269-JSW-3

(Hon. Jeffrey S. White)

**STATEMENT OF NICOLE R.
CASTRONOVO RE: ORDER TO
SHOW CAUSE**

TO THE HONORABLE COURT:

I, NICOLE R. CASTRONOVO, declare as follows:

I am in receipt of the court's order to show cause dated February 4, 2025.

Defense counsel has made strategic choices regarding motions in limine and exhibits. Mr. Wenger is aware of these choices and has been provided a copy of the court's order to show cause dated February 4, 2025 as well as this response.

Pending Appeal Actions:

The Defendant has initiated an interlocutory appeal challenging the district court's denial of his suppression motions, raising substantial constitutional issues that meet the criteria under the collateral order doctrine. To preserve appellate rights and prevent irreparable harm, the Defendant intends to file:

- A **Motion to Expedite the Appeal** with the Ninth Circuit, given the proximity of the trial date.
- An **Emergency Motion to Stay the Trial** pending resolution of the appeal, as the constitutional violations at issue could irreversibly prejudice the Defendant if not addressed before trial.

Position Regarding Government's Exhibits:

The Defendant does **not object to the Government's proposed exhibits** at this time. While voluminous, these exhibits **fail to establish the necessary elements of any of the crimes alleged** against the Defendant. The absence of objections should not be construed as agreement with the evidentiary content but rather reflects the Defendant's position that the Government's evidence is insufficient, even if admitted, to satisfy the burden of proof required for conviction.

Dated: February 6, 2025

SEKI, NISHIMURA & WATASE, PLC

By: /s/ Nicole R. Castronovo
NICOLE CASTRONOVO
Attorney for Defendant
Devon Christopher Wenger